

SECTION 1. DEFINITIONS

- 1.01 *Amphibians and Reptiles* - Bull frogs, green frogs, salamanders, snapping turtles, and soft-shelled turtles.
- 1.02 *Baitfish* - Any legally taken and possessed fish (except sea lamprey, goldfish or any other exotic fish) used for catching other fish.
- 1.03 *M'didaa-E'weesi'ek (big game)* - Whitetail deer, black bear, wild turkey, elk, and moose.
- 1.04 *Bow* - A weapon constructed from wood, plastic, metal, or other material with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled when drawn and released by hand.
- 1.05 *Cased or encased* - Storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.
- 1.06 *Ceded Territory* – All lands and waters ceded in the 1836 Treaty as described in Article First, that were not reserved in Articles Second and Third of the 1836 Treaty, Article One of the 1855 Treaty, or are not now otherwise within Indian Country, as set forth below:

Beginning at the mouth of the Grand River of Lake Michigan on the north bank thereof, and following up the same to the line called for in the first article of the Treaty of Chicago on the 29th of August, 1821, thence, in a direct line, to the head of Thunder bay River, thence with the line established by the Treaty of Saginaw on the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British Providence of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the Treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of Githcy Seebing or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of Skonawba river of Green Bay, thence down the south bank of river to its mouth, thence, in a direct line, through the ship channel into Green Bay, to the outer part thereof, thence, south to a point in Lake Michigan west of north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid,

comprehending all the lands and islands, within these limits, not hereinafter reserved. Refer to map.

- 1.07 *Commercial Purposes* - The harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but shall not include harvesting of a natural resource for personal use.
- 1.08 *Crossbow*- a device using a bow that, once drawn, is held solely by means other than the effort of the person firing it.
- 1.09 *Disabled Tribal Hunter*- A person who has been diagnosed by a certified Physician to be permanently physically disabled.
- 1.10 *Endangered Species* - Any species of wildlife or plant designated as rare or endangered by the Tribal Council, or the United States Department of the Interior pursuant to 50 C.F.R. Part 17.
- 1.11 *Enforcement Officer* - Any Tribal Enforcement officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.
- 1.12 *Firearm* - A weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.
- 1.13 *Fishing Activity* – Fishing for, catching, taking, or attempting to fish for, catch or take, any species of fish from treaty ceded waters, including all related activities which occur in or on the water, or immediately adjacent to the waters edge and in the process of loading or unloading fish, nets, or related gear, in or from a boat or vehicle.
- 1.14 *Furbearer* - Fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger, wolf, cougar, pine marten, fisher and opossum.
- 1.14.1 *E'weesi'ek (Game)* – Gaachiinhi-E'weesi'ek (small game) and *M'didaa-E'weesi'ek* (big game).
- 1.15 *Fish* - Brook trout, lake trout, splake, brown trout, rainbow (steelhead) trout, coho salmon, chinook salmon, Atlantic salmon, largemouth bass, small mouth bass, rock bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, sturgeon, bluegill, sunfish, crappie, perch, lake

- whitefish, and round whitefish (menominee), and any other species of fish now or in the future present in the Ceded Territory which may be taken for subsistence.
- 1.16 *Migratory Birds* - Those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these regulations, including ducks, geese, swans, doves, pigeons, rails, coots, gallinules, woodcock and snipe.
- 1.17 *Personal Use* – The use of natural resources for direct personal or family consumption by Tribal members as food, medicine, shelter, fuel, clothing, tools; or cultural, ceremonial or transportation purposes; making finished handicraft articles or barter. For purpose of this section, the term:
- A. “Family” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
 - B. “Handicraft articles” means article produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, pottery, drawing or painting, without the use of mass copying devices; and
 - C. “Barter” means the exchange of natural resources or parts thereof for personal uses between Tribal members.
- 1.18 *Physician*- A person duly licensed by any state in the United States to practice medicine or osteopathic medicine and surgery.
- 1.19 *Regulations* – These regulations including any subsequent amendments to these regulation and any separate Tribal treaty regulations enacted by a Tribe.
- 1.20 *Roadways*- any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.
- 1.21 *Safety Zone*- Any area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building used in connection therewith.

- 1.22 *Slingshot* - A "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material, with a pocket on one end, used for projecting stones or other objects.
- 1.23 *Gaachiinhi-Eweesi'ek (small game)* - Ruffed grouse (partridge), ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse and crow.
- 1.24 *Targeting* – Fishing, hunting, trapping, or gathering activity, which has the effect of catching or taking a specific species or species of fish, wildlife, or plants.
- 1.25 *Threatened Species*- A species at risk of becoming endangered as determined by official action of the Tribal council or by the United States Department of Interior.
- 1.26 *Transport or Transportation* - Carrying or moving by any vehicle or vessel, causing to be carried or moved or attempting to do so, or accepting or receiving wild animals, plants, or fish or any parts thereof.
- 1.27 *Treaty* – The March 28, 1836 Treaty of Washington with the Ottawa's, 7 Stat. 491.
- 1.28 *Tribe or Tribes* – The Little Traverse Bay Bands of Odawa Indians, the Little River Band of Ottawa Indians and the Grand Traverse Band of Ottawa.
- 1.29 *Tribal Court* – The Court or Hearing Body of one of the Tribes.
- 1.30 *Tribal License* -A gathering, hunting, trapping, or fishing License issued by a Tribe to Tribal member, which is valid and current.
- 1.31 *Tribal Members* – Enrolled members of one of the Tribes.
- 1.32 *Wild animals* - All creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

SECTION 2. TERRITORIAL JURIDICTION

2.01 This Code shall govern all treaty hunting, fishing, trapping and gathering activities of Tribal members on lands and waters within 1836 Ceded Territory. In addition, this Code may be adopted by a Tribe as their on-reservation code to govern activities within its Reservation.

2.02 *Open Areas.* Tribal hunters may hunt, trap, fish and gather within the Ceded Territory (on lands which are not part of another Tribe's Reservation) pursuant to the regulations contained in this Code, only on the following lands and waters:

- A. Lands open to public hunting, trapping, and gathering;
- B. Private lands that are required to be open to public hunting, trapping, and fishing by state law, such as lands enrolled in the State's Commercial Forest Land program;
- C. Tribal lands open to hunting, trapping, fishing and gathering, subject to any limitations prescribed by Tribal law or these Regulations;
- D. Private lands, including lands owned by Non-Members, but only with written permission from the owner or authorized lessee granted access to Tribally regulated hunters, trappers, fishers, and gathers;
- E. All lakes, rivers, streams and creeks open to the public for fishing and trapping, including water bodied accessible through public right-a-ways or otherwise accessible to Tribally regulated hunters, trappers, fishers or gathers by written permission granted by the landowner or authorized lessee.including but not limited to public road crossings, or otherwise assessable by a landowner's permission.

The geographic limits of each category of land and water, as defined in this subsection, open to licensed Tribal members shall be determined and delineated by Tribal regulation. Violation of any provision of this section shall be a Class C infraction.

SECTION 3: SPECIAL USE PERMITS

- 3.01 In reviewing and taking action on a request for any Special Use Permit, the Tribe shall take into account the biological impact of the harvest and to include such terms and conditions as may be necessary to protect the resource and shall ensure compliance with all applicable law.
- 3.02 *Assessment Permits-* A Tribe's Natural Resource Department may authorize a Tribal member to assist with or perform an assessment to assist the tribe in gathering natural resource data to better help the manage the resource more effectively. The tribal member will be required to have a valid Tribal License and have in his/her possession at all times a duly authorized assessment permit while conducting such assessment.
- 3.03 *Scientific Collectors Permit-* The Natural Resource Department may issue its employees collectors permits for the purpose of conducting biological assessments in accordance with the approved Strategic Plan.
- 3.04 *Disabled Tribal Hunter Permits-* The Natural Resources Department may issue a Disabled Tribal Hunter a permit to use a cross bow during archery season provided that the member is deemed permanently unable to physically use a conventional bow (compound/re-curve) by a Physician.
- 3.05 *Special Needs/Cultural Permit-* Tribal Hunters with special needs may obtain a permit from the Natural Resources Department. The criteria for a Special Needs permit include, but are not limited to, being out of food, a death or birth in the immediate family, or a family hardship. The Tribal Hunter shall have a valid tribal license and request a special needs permit and tags in person. A tribal member with a special needs permit may use the services of another enrolled tribal member to harvest an animal for them.
- 3.06 *Road kill Special Use Permit -* If a Tribal member accidentally strikes and mortally wounds a regulated species while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal member should report the finding within three business days to the Natural Resource Department or the Tribal Police Department. The Tribal Enforcement Officer or any Officer Deputized by the Tribal Council should take a sworn statement from the Tribal member regarding the circumstance under which the animal was struck or found. The Enforcement Officer may then authorize the issuance of a special use permit to allow the Tribal member to take and use such animal.

SECTION 4: HUNTING REGULATIONS

4.01 HUNTING LICENSES-Any Tribal Member twelve (12) years of age or older, who hunts within the Ceded Territory, while having under his/her control or immediate possession any firearm, bow and arrow, crossbow, slingshot, or any other device capable of killing or restraining fur bearers or E'weesi'ek (game) shall have in his/her possession a valid and current Photo Tribal license.

4.02 *Hunters Safety Course-* Any Tribal member 21 years of age or younger who applies for a Tribal License to hunt any Gaachiinhi-Eweesi'ek (small game), *M'didaa-E'weesi'ek (big game)*, or fur bearer shall either produce a previous license to hunt or trap from a Tribe or other lawful issuing agent within the State of Michigan or have successfully passed a recognized Hunter Safety Course. If you are over the age of 21 and can not produce evidence of a previous lawfully issued hunting license nor produce evidence of having successfully completed a certified Hunters Safety Course, you will be required to take and successfully pass a 25 question hunters safety test before being issued a license to hunt.

402.1 *Age Limits-*

- A. No Tribal member less than twelve (12) years of age shall be allowed to possess a Tribal License to hunt. It shall be unlawful for a member under the age 12 years old to hunt.
- B. A Tribal Member must be at least twelve (12) years of age to hunt Gaachiinhi-E'weesi'ek (small game), migratory birds or turkey.
- C. A Tribal member must be at least fourteen (14) years of age to hunt M'didaa-E'weesi'ek (big game) (except turkey, see section 3.02.2B) with a firearm.
- D. Any Tribal member between the ages of twelve (12) and sixteen (16) years of age, while hunting with a firearm shall be

accompanied by an adult who shall have in his/her possession a valid Tribal or State License.

402.2 *Transport/Harvest Tags-* In addition to the Tribal license required by this section, a Tribal Member may be required to obtain annual transport/harvest tags in order to harvest or trap certain species. The transport/harvest tags shall be completely filled out and affixed to the animal when transporting the E'weesi'ek (game).

- A. Annual harvest/transport tags shall be obtained from the Tribe in order to harvest deer, bear, moose, elk, or wild turkey.
- B. Harvest/transport tags shall be affixed immediately after harvest to harvested animals.

403.1 *Disabled Tribal Hunter Permits-*
The Natural Resources Department may issue a Disabled Tribal Hunter permit to discharge a firearm, bow or crossbow from a stationary motor vehicle within a roadway other than a state or federal highway to a member who is permanently physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such a permit must shoot away from and not across the roadway. 2) The Natural Resources Department may issue a Disabled Tribal Hunter a permit to use a cross bow during archery season provided that the member is deemed permanently unable to physically use a conventional bow (compound/re-curve) as verified by the written opinion of a Physician.

4.03.2 *Special Needs Permit-*
Tribal Hunters with special needs may obtain a permit from the Natural Resources Department. The criteria for a special needs permit include, but are not limited to, being out of food, a death or birth in the immediate family, or a family hardship. The Tribal Hunter shall have a valid tribal license and request a special needs permit and tags in person. A tribal member with a special needs permit may use the services of another enrolled Tribal member to harvest an animal for them, in which case both the permittee and helper must be named on the permit.

4.03.3 *Road kill Special Use Permit -*
If a Tribal member accidentally strikes and mortally wounds a regulated species while driving a motor vehicle or comes upon a

fresh road kill of such animal, the Tribal member should report the finding within three business days to the Natural Resource Department or the Tribal Police Department. The Tribal Enforcement Officer or any Officer Deputized by the Tribal Council should take a sworn statement from the Tribal member regarding the circumstance under which the animal was struck or found. The Enforcement Officer may then authorize the issuance of a special use permit to allow the Tribal member to take and use such animal.

4.04 HUNTING GENERAL PROVISIONS

- 4.04.1 *Artificial Light*- Artificial light may only be used to hunt fox, raccoon and coyote.
- 4.04.2 *Possession*- A legal and current License or Special Use Permit shall be required to take transport, or possess any fish, E'weesi'ek (game), furs, plants, hides, amphibians or reptiles, or auxiliary parts thereof within the Ceded Territory and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.
- 4.04.3 *Sale of E'weesi'ek (Game)* – It shall be unlawful for any Tribal member to engage in the sale of the flesh of E'weesi'ek (game) except beaver, raccoon and muskrat flesh.
- 4.04.5 *Transportation* - Furbearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi-Eweesi'ek (small game) lawfully taken by licensed Tribal Members may be transported within or outside of the Ceded Territory provided that the member shall have a valid and current Tribal license in possession. The transported E'weesi'ek (game) (that requires a tag) must be tagged with a transport/harvest tag containing all necessary information required.
- 4.04.6 *Shooting Hours* – Shooting hours are one half-hour before sunrise to ½ hour after sunset Eastern Standard Time (EST) excluding migratory bird. Fox, raccoon and coyote may be hunted after sunset with use of dogs, game call, or artificial lights.
- 4.04.7 *Pursuit with Vehicles*- It shall be unlawful to hunt or pursue any E'weesi'ek (game) with automobile, motorcycle, ORV, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat,

4.04.8 *Harmful Substances*- No furbearer, migratory birds, Gaachiinhi-Eweesi'ek (small game), or M'didaa-E'weesi'ek (big game) may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.

4.04.9 *Trapping M'didaa-E'weesi'ek (big game)*- It shall be unlawful to trap or snare M'didaa-E'weesi'ek (big game) animals.

4.04.10 *Shooting of animals while in the water*- It shall be unlawful to shoot M'didaa-E'weesi'ek miinwa Gaachiinhi-E'weesi'ek (big and small game) while they are swimming.

4.04.11 *Transportation of firearms, Bows, Crossbows, and Muzzleloaders*-

A. A member may not transport firearms in any motorized vehicle within the Ceded Territory unless they are; 1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed; 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle; 3) if a handgun, the following criteria apply: a) While in the field, handguns must be carried in plain view. Carrying a handgun in a holster in plain view is permitted. b) You may transport your handguns while enroute to and from your hunting area, however, handguns, including BB guns larger than .177 caliber and all pellet guns must be unloaded and carried in a container or wrapper in the trunk of the vehicle. If the vehicle does not have a trunk, the handgun must be unloaded and carried in a container or wrapper and cannot be readily accessible to any occupant of the vehicle. c) A restricted concealed pistol license for hunting, trapping, or target shooting does not give you any additional authority to transport a loaded or unloaded handgun in your vehicle or on any public conveyance.

B. A member may not transport an archery bow or cross bow in motor vehicle unless the bow is; 1) unstrung; 2) completely contained in a case expressly made to contain it; or 3) in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

- C. A member may not transport a muzzleloader rifle in a motor vehicle unless the muzzleloader is 1) with the cap removed and completely contained in a case expressly made to contain it; 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

4.04.12 *Discharging Firearms, Bows, Crossbows and Muzzleloaders-*

- A. A member may not discharge a firearm , bow, crossbow or muzzleloader, over or across an improved public highway
- B. A member may not discharge a firearm , bow, crossbow or muzzleloader within the right-of-way of an improved highway.
- C. It shall be unlawful to discharge any firearm, arrow, or projectile from a motorized vehicle. Provided, however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water or wind current.

4.04.13 *Harassment of Hunters* - It shall be unlawful to harass, impede, or interfere with any legally licensed hunter.

4.04.14 *Seasons and Bag/Harvest Limits* - The seasons and bag/harvest limits for taking Gaachiinhi-Eweesi'ek (small game), M'didaa-E'weesi'ek (big game), fur bearers, turkeys, and for trapping fur bearers specified in S Section 1 shall be as determined by Tribal regulations.

4.05 HUNTING RESTRICTIONS

- 4.05.1 *Automatic & Semi-automatic Weapons-* 1) Fully automatic firearms are at no time to be used in hunting, pursuing or killing of wild animals, or be in possession of, in an area frequented by wild animals. 2) No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals any semi-automatic shotgun or rifle capable of holding more than six (6) shells in both the chamber or magazine combined, for use for Gaachiinhi-Eweesi'ek (small game) only, or use cartridges containing either tracer or exploding bullets. 3) All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

- 4.05.2 *Silencers*- No Tribal Member shall use, or be in possession of, a device or apparatus known as a silencer.
- 4.05.3 *Hunting from Platforms*- Tribal Members may hunt M'didaa-E'weesi'ek (big game) , Gaachiinhi-E'weesi'ek (small game), or fur bearers, from a tree or portable raised platform. Tribal members may hunt from a portable raised platform or tree.
- 4.05.4 *Harvesting Restrictions*- Unless otherwise specified in this Code or special Tribal regulations, no Tribal Member shall make use of artificial light, cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or mechanical device other than firearm or bow and arrow for the purpose of harvesting or killing e'weesi'ek (game).
- 4.05.6 *Driving Wildlife*- It shall be unlawful to set or use fire to drive wild animals or to attempt to take wild animals.
- 4.05.7 *Baiting*- 1) A Tribal Member may use salt and/or bait to hunt for bear or deer. 2) All containers used to carry bait to the site must be removed from the site. 3) No drugs or poisons shall be used. 4). Bait is limited to two (2) gallons dispersed over a one-hundred (100) square foot radius. 5). There is no baiting allowed in any (TB) designated zones.
- 4.05.8 *Firearm Limitations*- 1) Any firearm used in hunting M'didaa-E'weesi'ek (big game) other than wild turkey must be a center fire rifle of .223 caliber or larger, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot. 2) Wild turkey may be hunted with a bow and arrow, shotgun or muzzle loading shotgun using number four (#4) shot or smaller.
- 4.05.9 *Bow and Arrow Limitations*- Bow and arrow may be used to hunt both M'didaa-E'weesi'ek (big game) and Gaachiinhi-Eweesi'ek, provided that a broad head with a cutting surface of at least one inch (1") diameter may be used to hunt M'didaa-E'weesi'ek (big game) including wild turkey.
- 4.05.10 *Hunting M'didaa-E'weesi'ek (big game) with Dogs*- 1) It shall be unlawful to hunt deer, elk, moose or wild turkey with dogs, except that it shall be legal to hunt wild turkey with dogs during the fall season. 2) It shall be legal to use leashed dogs to track wounded deer. 3) Dogs may be used to hunt bear provided that no more than six dogs per pack are used and that if relaying no more than six dogs shall be used.
- 4.05.11 *Hunters Orange* - It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters

orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except from November 1 to January 1.

4.06 HUNTING SEASONS

4.06.1 *Gaachiinhi-E'weesi'ek (small game)* – September 1 to April 1.

4.06.2 *Deer*

- A. Bow and Crossbow – October 1 to January 3
- B. Weapon of Choice: November 1 to January 3 Subject of limitations set forth within as defined in section 3.04.
- C. N. Manitou, South Fox and Garden Islands- October 1- November 30. Tribal members must notify and obtain permit from Natural Resources Department prior to hunting on islands.

4.06.3 *Bear*

September 10 to October 30, counties open to hunting to be designated by Tribal Wildlife Biologists.

4.06.4 *Wild Turkey*

- A. Fall Season – October 1 to November 14.
- B. Spring Season – April 15 to May 31.

4.06.5 *Elk and Moose* – Seasons to be determine by tribal biologist.

4.06.7 *Furbearers*

- A. Hunting
 - 1. Bobcat and mink- November 1- through March 1.
 - 2. Gray fox & red fox- November 1-March 1.
 - 3. Raccoon- October 15- January 31.
 - 4. Coyote- No closed season.

4.07 BAG LIMITS

4.07.1 Gaachiinhi-Eweesi'ek (small game)- A limit of ten (10) of each species per day and a possession in transport limit of no more than two (2) days' limit per licensee.

4.07.2 *M'didaa-E'weesi'ek (big game)*

- A. Deer - A limit of five deer per tribal hunter per season (includes Reservation and Ceded Territory), no more than two (2) of which may be bucks, with three inch antlers. The tribal hunter may harvest the deer with a bow and arrow, cross bow, rifle or muzzleloader.
- B. Elk, Moose and Bear – Bag limits and harvest/transport tags to be determined by Tribal Biologists on an annual basis. (Tags may be issued through a lottery conducted by the Tribes. The total number of tags issued by the Tribe combined will be based on a percentage of sustainable harvest. The Tribe will issue an equal number of tags based on this total.)
- C. Wild Turkey – Fall two birds of either sex. Spring-two adult males with a visible beard.

SECTION 5: TRAPPING

5.01 Any Tribal member under twelve (12) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under 12 may not be authorized or allowed to have a firearm in his/her possession while trapping.

5.02 TRAPPING GENERAL PROVISIONS

5.02.1 *Traps*- Traps used for harvesting fur bearers, snowshoe hare or cottontail rabbit shall be either leg hold, box type, or body gripping (conibear) six (6) inches square, or larger locking type snares.

5.02.2 *Trap Markings*- All traps and snares set shall be clearly marked with the name and current address of the person who set the trap. All traps shall be attended daily.

5.02.3 *Possession* – A legal and current Photo ID License shall be required to take transport, or possess any fish, E'weesi'ek (game), furs, plants,

hides, amphibians or reptiles, or auxiliary parts thereof within the Ceded Territory and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.

- 5.02.5 *Incidental Tags*-One incidental tag per species shall be issued; after one tag has been issued, any additional harvested animals must be turned into the Natural Resources Department.
- 5.02.6 *Transportation* – Furbearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi-Eweesi'ek (small game) lawfully taken by licensed Tribal Members may be transported within or outside of the Ceded Territory provided that the member shall have a valid and current Tribal Photo License in possession. The transported E'weesi'ek (game) (that required a tag) must be tagged with a transport/harvest tag containing all necessary information required.
- 5.02.7 *Registering of Hides*- All bobcat, badger and otter either shot or trapped shall be presented to a biological staff of the Natural Resources Department for inspection and registration within seventy-two (72) hours of being taken. All CITES applicable animals will be tagged in accordance with federal law.
- 5.02.8 *Federal Laws on Hides*- All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any furbearer apply to the identification, sale or transportation under Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If you wish to export bobcat, otter or bear hides from the United States, you will need to obtain a Cites permit within seventy-two (72) hours. For details, contact the Natural Resource Department.
- 5.02.9 *Barter of Hides & Flesh*- It shall be lawful for Tribal Members to possess, sell, or use for barter, or transport hides, furs or pelts of fur bearers, M'didaa-E'weesi'ek (big game) or Gaachiinhi-Eweesi'ek (small game) lawfully taken, including the sale of the flesh of beaver, raccoon and muskrat. Any game lawfully taken by a Tribal Member may be given to Tribal Elders or families in need.

- 5.02.10 *Live Animals for Trapping*- It shall be lawful to possess, in a humane way during trapping season, one live coyote and two live fox for the purpose of collecting urine and droppings for trapping; provided, at least one member of the immediate family must have a valid Tribal trapping license.
- 5.02.11 *Hunters Orange* – It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except from November 1 to January 1.
- 5.02.12 *Turtle Trapping*-All traps used for turtles shall also have at least four (4) inches of air inside the trap.

5.03 RESTRICTIONS

- 5.03.1 *Harmful Substances* – No furbearer, migratory bird, Gaachiinhi-Eweesi'ek (small game), or M'didaa-E'weesi'ek (big game) may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.
- 5.03.2 *Trapping M'didaa-E'weesi'ek (big game)*– It shall be unlawful to trap or snare M'didaa-E'weesi'ek (big game).
- 5.03.3 *Swimming Fur Bearers* – It shall be unlawful to shoot furbearers, Gaachiinhi (small), or M'didaa-E'weesi'ek (big game) while they are swimming.

5.04 SEASONS

- A. Beaver and otter –October 1 through March 1 in Northern Lower Michigan, October 1 – March 15 in the Upper Peninsula.
- B. Muskrat, mink, and bobcat –October 1 through March 1—in Northern Lower Michigan, October 1 – March 15 in the Upper Peninsula.
- C. Raccoon, red fox, gray fox, coyote and badger—October 1 to March 1 in Northern Lower Michigan, October 1 – March 15 in the Upper Peninsula.
- D. Pine Marten and Fisher- October 1-March 15 in the UP only.

5.05 BAG LIMITS

- A. Otter, badger, pine marten and fisher and bobcat – two (2) per season, one of which may be bobcat harvested from Northern Lower Michigan. Pine Marten & Fisher may only be harvested from the UP. All other species have no bag limit.
- B. Accidentally trapped non-target protected species such as lynx, gray wolf, are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Officer.

SECTION 6: MIGRATORY BIRD REGULATIONS

6.01 Age Limits:

- A. Any Tribal Member twelve (12) years of age or older who hunts migratory birds within the Ceded Territory shall have in possession a valid Tribal license.
- B. No Tribal Member under twelve (12) years of age shall be allowed to possess a Tribal license to hunt migratory birds.

6.02 *Shooting Hours*- From one half (1/2) hour before sunrise until sunset.

6.03 *Restrictions*. It shall be unlawful to:

- A. Engage in any migratory bird hunting without first obtaining a Tribal license.
- B. Use or allow another person to make use of a Tribal license not his/her own.
- C. Engage in wanton destruction of migratory birds.
- D. Fail to make a reasonable effort to recover dead or wounded migratory birds.
- E. Take, possess, transport, or aid, assist or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.

- F. Exceed established limits or use prohibited means of taking migratory birds.
- G. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of an Enforcement Officer.
- H. Take migratory birds with trap snare swivel gun, punt gun, battery gun, automatic fired weapon, shot gun with shells longer than three and one half inches (3.5"), fish hook, poison, drug, or stupefying substance, or explosive.
- I. Take migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1)-piece filler, which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- J. Use or be in possession of any shot other than steel (or other approved non-toxic shot) to take migratory birds; provided, however, that it shall be legal to hunt woodcock and morning dove with shot other than steel (or approved non-toxic shot).
- K. Hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.
- L. Use any rim fire, center fire, or muzzle-loading rifle to take migratory birds.
- M. Pursue migratory birds from a motorboat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled, or by means of any motorized land or air conveyance.
- N. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.
- O. Use or attempt to use bait, or hunt on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt, or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten (10) days after such bait has been removed. Provided, however, that it shall be legal to hunt

migratory birds in agricultural fields where crops are standing, or have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management, provided that the seeds and grains are not scattered or redistributed once the crop has been harvested.

- P. Violate any Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds

6.04 *Offenses*

- A. In addition to the violation of any of the provisions herein contained, or any other hunting regulation enacted now or in the future by a Tribal Council, the acts or omissions as described below shall constitute civil infractions. An Enforcement Officer may arrest a person committing an offense and may seize or confiscate any migratory birds, firearms, bows, vessels, vehicles, and any associated paraphernalia used in hunting at the scene of the offense.
- B. In addition to any punishment provided for upon the conviction of any misdemeanor, or any other offense described herein, or upon conviction for the violation of any regulation now enacted or herein after enacted with respect to hunting migratory bird by the Tribal Council, any person so convicted may have any hunting equipment or paraphernalia in his possession at the scene of the offense permanently confiscated. Also, the above said person(s) is/are subject to fines and incarceration as imposed by Tribal Court.

6.05 SEASONS

605.1 *Ducks* – September 15, through January 20.

605.2 *Geese-*

- A. White Front, Brant, Snow and Blue Geese- September 20 through November 30.
- B. Canada geese – September 1 through February 8.

6.05.3 *Woodcock, snipe, sora rail, Morning Dove-* September 1- November 14.

6.05.4 *Swans* – It shall be unlawful to shoot or attempt to shoot swans.

6.06 BAG LIMITS

- 6.06.1 *Ducks*- The bag limit for ducks shall not exceed twelve (12) per day, and shall not include more than one (2) pintail, one (2) canvasback, one (1) hooded merganser, two (3) black ducks, two (3) wood ducks, two (3) redheads, and five (6) mallards- only two of which may be hens.
- 6.06.2 *Geese*- The daily bag limits for Canada geese, brant, white-fronted, snow and blue geese, shall not exceed five (5) per day.
- 6.06.3 *Woodcock, snipe, sora rail, Morning Dove*- The daily bag limit for woodcock is five (5), snipe, sora rail, morning dove shall not exceed ten (10) per day.
- 6.06.4 The possession limit for ducks and geese shall not exceed two (2) days' bag limit.

SECTION 7. INLAND FISHING REGULATIONS

- 7.01.1 *FISHING LICENCES*- Any Tribal member sixteen (16) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her immediate possession any pole, reel, tip-up hand line, trap, seine, dip net or spear, shall have in his or her possession a valid and current Tribal Photo License.
- 7.01.2 *Age Limits*-
- A. Any Tribal Member sixteen (16) years of age or older who fishes within the Ceded Territory shall have in possession a Tribal license.
 - B. No Tribal member under sixteen (16) years of age shall be required to possess a Tribal License to fish, take reptiles or amphibians, or gather vegetation for personal use or use by his immediate family, however, those persons shall be required to follow all applicable Tribal regulations.
- 7.01.3 *Methods and Gear Restrictions*-
- A. The use of poles, reels, tip-ups and hand lines are lawful for use while fishing.

- B. Seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet are legal for smelt on inland lakes and 100 yards upstream on all tributaries and connecting waters of the Great Lakes.
- C. Bait fish may be taken by traps, seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet.
- D. Individual hook and line fishing is limited to four (4) lines per person with two (2) hooks per line; except that there shall be no limit on the number of hooks per line while fishing for smelt. Ice fishing is limited to nine (9) lines.
- E. Trot line- One trotline per license holder is permitted. The trotline shall be limited to five hooks or lures of which shall be size 4 or larger. Each trot line shall be clearly marked with a gallon buoy along with the tribal license number of the person who set the line. All trot line must be checked daily.
- F. Fixed ice shanties must have the owner's name, address permanently affixed on all sides with letters at least three inches (3") high. Shanties must be removed when the ice is unsafe but no later than March 15.
- G. Fishing with a spear, bow and arrow, dip net, cross bow, trotline or hands is permitted on any water body for all species except sturgeon and grayling. (see trotline fishing specifications below). The fisher shall be required to adhere to seasons, size and creel limits and other restrictions imposed by Tribal regulations. In addition to the Photo Tribal License required by this section, Tribal members are also required to obtain and submit a complete harvest reports for the harvest of certain species of fish with a spear, bow and arrow, hands, trotline or dip net. Provided that fishing with a spear, bow and arrow, hands, trotline or cross bow is permitted on all lakes, streams, rivers and ponds. (see section 7.01.5).

7.01.4 *Restrictions.*

It shall be unlawful to:

- A. Use explosives, drugs, poisons, lime medicated bait or other deleterious substances to take or attempt to take fish.

- B. Drive or harass fish into nets.
 - C. Use firearms to take or attempt to take fish.
 - D. Use gill nets, trap nets, seines or gorge to take fish, except as allowed for bait fish under Section 7.01.3 (C) and smelt under Section 7.01.3 (B).
 - E. Use a snag hook to take or attempt to take fish, except snagging for suckers shall be legal provided that the targeted fish are visible to the individual snagging.
 - F. Wanton destruction or waste of fish.
 - G. Harass or impede another fisherman or boater.
 - H. Take fish for the sole purpose of egg (spawn) collection.
 - I. Possess any fish not hooked in the mouth while fishing with hook and line.
 - J. It shall be unlawful to sell flesh of fish from inland waters.
 - K. It shall be unlawful to sell bait fish without a Special Use Permit.
- 7.01.5 *Reporting-* In addition to the Tribal License required by this section, Tribal members are also required to obtain and submit complete harvest reports for the harvest of the species of fish listed below with a crossbow, spear, hands, dip net, trot line or bow fishing equipment.
- A. Harvest reports must be obtained from and submitted to the Natural Resource Department upon the harvesting of walleye, northern pike, muskellunge, salmon, trout (including steelhead and brook trout) via the use of spear, hands, dip net, crossbow, trot line or bow and arrow.
 - B. Harvest reports shall indicate the body of water where the harvest took place, date of harvest, and number harvested for each species.
 - C. Harvest reports shall be submitted within seven (7) days of harvest date.

7.03 SEASONS

All Species except sturgeon and grayling-No closed Season.

702.1 Sturgeon - No open season (except Otsego lake).

7.02.1 Grayling – No open season.

7.02.2 Lake Sturgeon- Open all year Otsego Lake. Hook and line fishing is permitted for harvesting lake sturgeon in Otsego Lake only.

7.03 SIZE LIMITS

703.1 Trout and Salmon-

A. Lakes - Ten-inch (10") minimum.

B. Streams: Eight-inch (8") minimum.

703.2 Largemouth and small mouth bass - Twelve-inch (12") minimum.

703.3 Northern pike - Twenty-inch (20") minimum.

703.4 Muskellunge and tiger muskellunge - forty-two inch (42") minimum.

703.5 Walleye - Fourteen inch (14") minimum

703.6 Bluegill, sunfish, crappie, lake whitefish, menominee, perch, catfish species, and other species not listed - No minimum size.

7.04 CREEL LIMITS

7.04.1 Lake trout, rainbow trout, splake, brook trout and brown trout - Five (5) per species per day in lakes with a maximum of ten (10) in combination.

7.04.2 Brook trout, brown trout, rainbow trout in streams - a maximum of ten (10) in any combination. No more than three (3) of the total may be over sixteen inches (16") long.

- 7.04.3 Coho, Atlantic, Humpback/Pink and Chinook salmon - Five (5) per species per day.
- 7.04.4 Muskellunge and tiger muskellunge - One (1) per day.
- 7.04.5 Largemouth bass, small mouth bass, walleye and sauger – Ten (10) per day.
- 7.04.6 Bluegill, sunfish, crappie, lake whitefish, and yellow perch - Fifty (50) per day.
- 7.04.7 Northern Pike- Five (5) per day
- 7.04.8 Lake Sturgeon- Otsego Lake Only- 1 per season.

SECTION 8. AMPHIBIANS AND REPTILES REGULATIONS

- 8.01 *General Regulations*- Amphibians and Reptiles may not be shot with firearms (including spring, air, or gas propelled), conventional bow, crossbow, or slingshot.
- 8.02 *Endangered and Threatened Species*- No animal as defined in section 1.10 shall be taken or possessed except as authorized by the Natural Resources Department.
- 8.03 *Amphibians*- Amphibians may be taken the last Saturday in May through November 15 with no size limit. No more than fifty (50) of each species shall be taken per day and not more than one hundred (100) of any species may be in possession at any given time.
- 8.04 *Snapping Turtles* – snapping turtles and soft shell turtles – July 1 – September 30, 12 inch carapace length.
- 8.05 *Equipment* - Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line. Frogs may be speared.
- 8.06 Taking of amphibians and reptiles shall be for personal use only.

SECTION 9. VEGETATION GATHERING REGULATIONS

It shall be lawful for Tribal Members to gather and use vegetation and natural growth for the construction of traditional crafts, handicraft articles, medicine and food and traditional lodges, subject to the following regulations:

- 9.01 *Private Property* – Permission must be obtained from a private land owner prior to gathering on such land.
- 9.02 *Personal/Family Subsistence*- No Special Use Permit will be required for the use of vegetation or natural growth for direct personal or family consumption by Tribal members as food, medicine, shelter, fuel, clothing, tools; and transportation; or for the making of finished handicraft articles for personal use or barter.
- 9.03 *Medicinal Use*- No license or permit will be required to gather vegetation or natural growth if such vegetation or natural growth is intended for religious or ceremonial purposes.
- 9.04 *Commercial Gathering Permit*- Tribal members seeking to harvest vegetation or natural growth for the sole purpose of commercial sale of raw materials or incorporating it into a handicraft or artwork to be sold for a profit must acquire a Commercial Gathering Permit from the Natural Resource Department before the harvest or attempt to harvest any vegetation or natural growth, Except no permit required for the commercial gathering of fruit, berries, mushrooms or nuts.
- 9.05 *Endangered Species* - It shall be unlawful to gather, collect, or be in possession of any vegetation or parts of any threatened or Endangered species.

SECTION 10. BIOLOGICAL ASSESSMENT AND MONITORING.

- 10.01 *Biological Assessment*- The Natural Resource Department may require that fur bearers, Gaachiinhi-Eweesi'ek (small game), M'didaa-E'weesi'ek (big game), migratory birds, fish, reptiles, amphibians or the habitats of any of them within the Ceded Territory be subject to reasonable biological assessment. The purpose of such assessment is to insure long range management of these species and their environs, or changes to the existing regulations or any future regulations as necessary to foster such preservation and management.
- 10.02 *Assessment Permits*- A Tribe's Natural Resource Department may authorize a Tribal member assist with or perform an assessment to assist the tribe in gathering natural resource data to better help

manage the resource more effectively. The tribal member will be required to have a valid Tribal License and have in his/her possession at all times a duly authorized assessment permit while conducting such assessment.

- 10.03 *Scientific Collectors Permit-* The Natural Resources Department may issue its employees collectors permits for the purpose of conducting biological assessments in accordance with the approved Strategic Plan.
- 10.04 *Monitoring-* It shall be the duty of the Tribal biologist to monitor all take and harvest of E'weesi'ek (game), fish, fur bearers, migratory birds, reptiles, amphibians, plants and the natural growth through the receipt of catch reports, through E'weesi'ek (game) bag checks, patrols, jawbone retrieval and mail surveys.
- 10.05 *Emergency Action-* The joint Commissions of the Three Tribes may take or enact emergency measures in order to preserve the rights or resources of the Tribes and its members. This may include but not be limited to shortening or closing seasons, reducing bag limits and/or similar methods. The Joint Natural Resource Commissions may take this action at any regularly scheduled meeting or by phone call poll for that purpose. However, such emergency enactment shall require a majority vote of the Joint Commissions.
- 10.06 *Technical Amendment-* The Joint Commissions of the Three Tribes may make technical amendments to this document as needed for the protection of the resources addressed in this Code.

SECTION 11. POSSESSION AND USE FOR RELIGIOUS PURPOSES.

- 11.01 No animal shall be taken, or plant or mineral gathered, by any Tribal member for any purpose except as allowed for in this Code or by the Special Use Permit issued by the Tribe under this Code.
- 11.02 Nothing in this Code shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal member for spiritual practices.
- 11.03 If a Tribal member finds a dead eagle, hawk, fur bearer, or any Threatened or Endangered Species, the member shall report the

finding as soon as possible to the Tribal Biological Services or Conservation Department. The member should direct the appropriate Tribal authority to the place where the carcass was found. A Tribal Enforcement Officer shall take a sworn statement from Tribal member regarding the circumstance under which the carcass was found. If the Enforcement Officer or appropriate Tribal authority is satisfied that the Tribal member was in no way involved in the intentional taking of the animal, the Tribal member may either keep the carcass or any part of it for spiritual practices or donate it to the Tribal repository explained in section 11.04.

- 11.04 Each Tribe may maintain a repository to keep parts of eagles, hawks, furbearers, and any Endangered Species from species either taken in violation of this Code or other applicable Tribal law or acquired pursuant to section 11.03. Tribal members may request in writing animal parts from the repository for spiritual practices. Each Tribe will develop regulations to process such requests so that items in the repository can be distributed to Tribal members in a fair and efficient manner. The Tribes may issue possession licenses if needed to protect Tribal members from non-tribal law enforcement agencies.

SECTION 12. ENFORCEMENT

- 12.01 This intertribal code shall give any tribally authorized conservation enforcement officer jurisdiction over any tribal member engaged in hunting, fishing, trapping and gathering activities within the 1836 Ceded Territory. Any violation will be processed through the court of the offender.
- 12.02 Each of the Tribes shall employ duly sworn and certified enforcement officers who shall be responsible for enforcing the provisions of this uniform code.
- 12.03 The enforcement officers are also hereby authorized to carry firearms in the performance of their duties.

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Section 14. FINES AND PENALTIES.

14.01 Any licenses or permits authorized by this Code may be suspended or revoked by the Tribe.

14.02 Any violation of the regulations contained in this Code, or of the regulations established by the Tribe regarding gathering, season, bag and creel limits, or restrictions on method or matter of gathering, or taking, E'weesi'ek (game) or fish shall be tried before the Tribal Court heard as provided by the Tribe and under such procedures as are prescribed by the Tribe.

14.03 The following fines shall apply to the civil infractions in this Code:

CLASS OF INFRACTION	FINE
Class A	\$50
Class B	\$100
Class C	\$250
Class D	\$500
Class E	\$1000

14.04 In addition to any other penalties provided by law, a person found liable for a civil infraction, upon a charge of illegal taking, killing, or possession of a plant, fish, migratory bird, or wildlife creature, shall reimburse the Tribe for each plant, fish, migratory bird, or wildlife creature, according to the following schedule.

SPECIES	FINE
Sturgeon, Grayling, any Endangered or Threatened Species	\$1000
Elk, bear	\$500
Deer, wild turkey	\$250
Beaver, mink, otter, badger, bobcat Muskellunge, Tiger muskellunge	\$100
Any waterfowl Lake Trout, Brown trout, Rainbow trout, brook trout, Largemouth bass, Smallmouth bass, Walleye, Northern pike, Whitefish, Menominee whitefish	\$50
Rabbit, muskrat, squirrel, raccoon Ruffed grouse, woodcock, morning dove, ringneck pheasant, quail, sharptail grouse	\$30
Any fish or e'weesi'ek (game) animal not named	\$25

- 14.05 Repeat offenders may be fined up to \$5,000 and/or lose hunting, trapping or fishing privileges for an appropriate, at the discretion of the appropriate Tribal entity.
- 14.06 Any violation of a regulation not listed above shall at a minimum constitute a Class A violation.